GOVERNMENT OF ANDHRA PRADESH
**ABSTRACT**

Public Servants – All India Services – **Sri P.S.Srinivasa Sastry, IFS (2002),** formerly Divisional Forest Officer (FAC), Wildlife Management Division, Eluru – Disciplinary Proceedings under Rule 8 of All India Services (Disciplinary & Appeal) Rules, 1969 – Article of Charge framed – Statement of Defence called for.

---

GENERAL ADMINISTRATION (SC-D) DEPARTMENT

G.O.Rt.No.843 Dated:18.04.2018

**ORDER:**

Government have decided to initiate disciplinary proceedings against **Sri P.S. Srinivasa Sastry, I.F.S.,** formerly Divisional Forest Officer (FAC), Wildlife Management Division, Eluru under Rule 8 of All India Services (Discipline and Appeal) Rules, 1969. The substance of misconduct or misbehavior in respect of which disciplinary action is proposed to be initiated is set out in the enclosed Statement of Article of Charge (Annexure-I).

2. A statement of imputations of misconduct or misbehavior in support of the article of charge, together with a list of documents by which and list of witnesses by whom, the article of charge is proposed to be sustained, are enclosed in Annexure-II, III and IV respectively.

3. **Sri P.S.Srinivasa Sastry, I.F.S.** is directed to submit his Written Statement of Defense and also state whether he desires to be heard in person, within 15 (Fifteen) days of the receipt of this order.

4. **Sri P.S.Srinivasa Sastry, I.F.S**. is informed that an inquiry will be held, only if the article of charge is not admitted and in case if it is considered necessary. He should, therefore, specifically admit or deny the Article of Charge.

5. **Sri P.S.Srinivasa Sastry, I.F.S**. is further informed that if no Written Statement of Defence is filed within the time specified in Para 3 above, or if he does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 8 of All India Services (Discipline & Appeal) Rules, 1969 or the orders or directions issued in pursuance of the said rules, action will be taken against him on the basis of the material available on record, on the ground that he has no explanation to offer.

6. The attention of **Sri P.S.Srinivasa Sastry, I.F.S.** is invited to the rule 18 of All India Services (Conduct) Rules, 1968, according to which no Member of Service shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any

representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P.S.Srinivasa Sastry, IFS, is aware of such representation and that it has been made at his instance and action will be taken against him for violation of rule 18 of the All India Services (Conduct) Rules, 1968.

7. This order is sent to **Sri P.S.Srinivasa Sastry, I.F.S.** induplicate. He is directed to acknowledge the receipt with date on the duplicate copy and return the same to the Government immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**DINESH KUMAR**
**CHIEF SECRETARY TO GOVERNMENT**

To
Sri **P.S.Srinivasa Sastry, I.F.S.**
[Through the Prl.Chief Conservator of Forests, A.P., Guntur]
The Principal Chief Conservator of Forests (HoFF), Andhra Pradesh, Guntur.
(He is requested to serve the GO on the Member of Service, obtain his dated acknowledgement on the duplicate copy and furnish the same to the Government immediately.)

Copy to:
The Secretary to Government of India,
Ministry of Environment & Forests, ParyavaranBhavan,
CGO Complex, Lodhi Road, New Delhi -110 003
The Environment, Forests, Science and Technology (For.IV) Department
The General Administration (SC-C) Department
The General Administration (SC.E) Department
SF/SC

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER (SC)**

## ANNEXURE-I

**STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI P.S. SRINIVASA SASTRY, IFS, (2002), REGIONAL MANAGER, A.P. FOREST DEVELOPMENT CORPORATION, NELLORE, FORMERLY WORKED AS DIVISIONAL FOREST OFFICER (FAC), WILDLIFE MANAGEMENT DIVISION, ELURU**

Sri P.S. Srinivasa Sastry, I.F.S. (2002), while working as Divisional Forest Officer (FAC), Wildlife Management Division, Eluru during the period from 11.04.2015 to 30.06.2016 has committed the following irregularities.

## ARTICLE OF CHARGE

That Sri P.S.Srinivasa Sastry, IFS (2002) has committed grave misconduct in as much as indicated below:-

The Member of Service (MoS) has neglected his legitimate duty and colluded with Sri Indukuru Venkata Rama Raju, R/o. Kaikaluru (V) & (M), Krishna District and allowed the structures such as Sluice, Water sump and motor shed erected by the said individual in the Ac. 0.09 cents in R.S. No. 39 of which falls below +5 contour of Kolleru Wildlife Sanctuary and failed to report the activities to the higher officials and kept silent and also submitted false affidavits before the Judicature and violated Section 34-A of Wildlife (Protection) Act, 1972 and general duties and responsibilities Forest Officers under Section 151 of A.P. Forest Department Code.

Thus, Sri P.S.Srinivasa Sastry, IFS (2002) by his above mentioned acts failed to maintain absolute integrity devotion of duty and exhibited conduct unbecoming of a member of service thereby violating Rule 3 (1) and 3 (2) of the All India Service (Conduct) Rules, 1968.

**DINESH KUMAR**
**CHIEF SECRETARY TO GOVERNMENT**

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER (SC)**

ANNEXURE-II

**STATEMENT OF IMPUTATIONS OF MISCONDUT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SRI P.S. SRINIVASA SASTRY, IFS., (2002), FORMERLY WOKRED AS DIVISIONAL FOREST OFFICER (FAC), WILDLIFE MANAGEMENT DIVISION, ELURU**

Sri Nadimpalli Murthy Raju, R/o. Kaikaluru (V)& (M), Krishna District, who is in the business of aquaculture and his fish tanks in Acs. 42.00 set up by him after obtaining permission from the Government, that abutting their fish tanks there are irrigation and drainage channels in Sy. Nos. 130, 131, 132, 133, 134, 135, 39, 42 and 40 of Kaikaluru (V) known as Polaraju drain, that this is used by royts in the vicinity for drawing irrigation water and also for discharging drainage water through two channels.

Sri Nadimpalli Murthy Raju, R/o. Kaikaluru (V)& (M), Krishna District alleged that Sri Indukuru Venkata Rama Raju, Kaikaluru (V) and his family members encroached in Rolla Codu channel and occupied an extent of Ac. 0.09 cents in R.S. 39 and constructed a sluice to draw water from Polaraju canal into his fish ponds. He alleged that the sluice is 150 meters and it totally blocks the flow of water into the said channel; that he also constructed a room covered with tin sheets abutting the Polaraju canal to house water pump sets to draw water from the said Polaraju canal, and he also constructed a small sump connecting the aforesaid sluice to transfer the water so drawn from the said canal to the fish ponds belonging to him and his family members; by virtue of these activities of Indukuru Venkata Rama Raju, the Rolla Codu channel is totally blocked and the water discharged from Kaikaluru village abutting the fish ponds is getting stagnated; there is no free flow of water in the said channel and the petitioner and his family members are unable to drain the excess water from the fish ponds for harvesting the fish crop; Ac.0.09 cents of land encroached allegedly by Sri Indukuru Venkata Rama Raju in Sy.No.39 which is included in prohibited areas of Kolleru Wildlfie Sanctuary and which are not permitted as per G.O.Ms.No.120, EFS&T (For-III) Dept., dated:04.10.1999. Sri Nadimpalli Murthy Raju, R/o. Kaikaluru (V)& (M), Krishna District contended that Sri Indukuru Venkata Ramaraju violated Clause (2), Clause (7), clause (9) & Clause (15) of GO Ms.No.120 and none of the Government Officials (i.e., Principal Secretary, EFS&T; Principal Chief Conservator of Forest, Andhra Pradesh; Divisional Forest Officer, Wildlife Management, Eluru and District Collector, Krishna) have not taken action against Sri Indukuru Venkata Ramaraju even though he has encroached the Rolla Codu Channel with the above constructions.

The said area was notified as Wildlife sanctuary vide G.O. Ms. No. 120 EFS&T (For-III) Dept., dated:04.10.1999 under the provisions of Wildlife protection Act, 1972 and that Ac. 0.09 cents of land encroached alleged by Sri I.V. Rama Raju in Sy. No. 39 is included within the prohibited area of Kolleru Wildlife Santuary. Thus, the said Sri I.V. Rama Raju made constructions therein which are not permitted as per clauses' of the said G.O.

On receipt of this affidavit filed by Sri Nadimpalli Murthy Raju in WP No.4864/2015, dt.26.02.2015, Sri P.S. Srinivasa Sastry, IFS., DFO

(FAC),WLM Division, Eluru while citing this writ petition, issued instructions to FRO, Wildlife Management, Kaikaluru to immediately demolish the illegal constructions pertains RS No.39, in Ac.0.09 cents in Kaikaluru below +5' Contour of Sri Indukuru Venkata Ramaraju and RS.No.42 with an extent of Ac.0.46 cents of Kaikaluru below +5' Contour of Sri Nadimpalli Murthy Raju vide Ref.no.526/2015/WL-O, dt.28.4.2015, 18.5.2015 & 26.06.2015. On receipt of this instructions from DFO, WLM Eluru, Sri L. Dhanraju, FRO, Kaikaluru submitted report vide Rc.no. Nil / 2015 dt.02.07.2015 stating that Motor Shed, Water sump and sluice located in RS No.39 with an extent of Ac.0.09 cents have been in existence before Kolluru Operation, 2006. The said shed, sump, sluice of Sri Indukuru Venkata Ramaraju was not demolished during Kolleru operation. The Forest Range Officer further reported that the Deputy Range Officer, Wildlife Management, Kaikaluru along with the Kaikaluru beat staff have destroyed the roof sheets and demolished the walls on 14.02.2015. The FRO, Kaikaluru has also reported that Ac.0.09 cents of RS No.39 is not under the enjoyment of any one. The Forest Range Officer in his subsequent report on 11.07.2015 reported that the motor shed occupied 0.01 cents out of 0.09 cents situated on the bank of Polaraju drain was removed fully located in RS No.39 lying in below +5 ' Contour.

The Member of Service has filed counter affidavit in the month of August'2015 and admitted in the second para of the counter affidavit that an area of 0.09 cents in R.S. No. 39 of Kaikaluru (V) lies below +5 contour of KWS. A shed was constructed on the bank of Polaraju drain for bailing out water from the said drain, that it was in existence since 2006 and was not demolished during Kolleru operation in the year 2006 and that a shed as installed along the boundary line of KWS by Sri Indukuru Venkata Ramaraju by encroaching the A. 0.09 cts. In R.S. No. 39 of Kaikaluru (V) and the staff have removed and dismantled the contraband motor shed located in RS No.39 in an extent of 0.09 cents on 11.07.2015. The MoS has submitted report based on the reports of Forest Range Officer without inspecting the field.

The High Court of Judicature at Hyderabad in its interim order dated 08.09.2015 directed the Divisional Forest Officer, WLM. Division, Eluru to submit report with regard to (i) the constructions existing in Sy. No.39 of Kaikaluru (V) as on that day and also to report (ii) whether the Writ petitioner had occupied any Government land and or was doing any activity which is not permissible in law and matter posted to 29-9-2015.

Since no report was filed by the Member of Service on that day his personal appearance was directed and asked to file an affidavit and case was posted on 13-10-2015. Thereafter, the case was posted from time to time and no affidavit was filed by the Member of Service and however, an enquiry report, dated 13.10.2015 was placed on record by the Government Pleader for Forests. In the said report the Member of Service stated that the illegal constructions in the Ac. 0.09 cents of land in R.S.No.39 of Kaikaluru (V) which is below +5 contour of KWS was demolished / dismantled on 23.09.2015 based on the report of Sri L.Dhan Raju, Forest Range Officer in his Rc.no.11/2015/FRO KKLR,dt.24.09.2015, and that there was no pisciculture activity done by Sri Indukuru Venkata Ramaraju in the above Ac. 0.09 cents of land in R.S. No. 39. As per suggestion of the Government Pleader for

Forests, High Court of A.P., Hyderabad, the Member of Service being 3rd respondent submitted elaborate affidavit vide Rc.No.526/2015/WL-O,dated:16.11.2015 by complying the directions issued by the High Court on 08.09.2015 & 29.09.2015 in WP No.4864/2015. Thus, the Member of Service has submitted contradictory reports on in the month of August'2015 and on 26.09.2015 which was brought to the notice of High court on 13.10.2015. On 11.07.2015, he stated that the shed was removed on 11.07.2015 in para No.2 of his counter filed by him in the month of August'2015 in WP No.4864 of 2015 but contradicts himself in the report dt.13.10.2015 by stating that it was removed on 23.09.2015. Thus the Member of Service has misrepresented the facts to the High Court by submitting false reports without verifying the field condition in person which violates Rule 3 (1) & 3(2) of All India Civil Services (CCA) Rules, 1968.

Clause (2) of G.O.Ms. No. 120 EFS&T (For-III) Dept, dated:04.10.1999 prohibits any person from forming any tank for Aquaculture or for any other purpose within the limits of the sanctuary notified. Clause (7) states that the Government has the right to maintain the existing water courses and drains necessary to avert submersion of agriculture lands surrounding the Kolleru lake, clause (9) mandates that electricity connection can be given only for domestic use and not for aquaculture and clause (15) states that any encroachments or activities which are not permitted under the said G.O. are liable to be removed or stopped forthwith.

Thus the construction of both the sluice, the motor pump shed as well as the sump constructed / existed by Sri Indukuru Venkata Ramaraju in the Ac. 0.09 cents in Rs. No. 39 which falls below +5 contour of KWS is contrary to clauses (2) and (7) mentioned above.

The conduct of Member of Service, in not reporting these activities of Sri Indukuru Venkata Ramaraju to the higher officials and taking action to remove the sluice, motor shed and water sump erected by Sri Indukuru Venkata Ramaraju and removing the encroachment on the land covered by Kolleru Wildlife Sanctuary clearly points to collusion between him and Sri Indukuru Venkata Ramaraju. There can be no doubt that the Member of Service has deliberately kept silent on the existence of the sluice on stilts and the water sump in order to favour Sri Indukuru Venkata Ramaraju. That apart, he had clearly made a false statement in the counter affidavit filed by him in WP.No.4864 of 2015 that the shed erected in R.S.No.39 of Kaikaluru Village was demolished on 11-07-2015, and whereas in the report filed by him on 13-10-2015 he himself stated that it was removed on 23-09-2015. Also, when the High Court ordered on 08-09-2015 to file a report as to whether Sri Nadimpalli Murthy Raju, Krishna District occupied any Government land as alleged by Sri Indukuru Venkata Ramaraju, instead of answering the said question he stated in his report dt.13.10.2015 that Sri Nadimpalli Murthy Raju, Krishna District is not doing pisciculture activity in the Ac.0.09 cents in R.S.No.39 of Kaikaluru Village. This Ac.0.09 cents is admittedly in the occupation of Sri Indukuru Venkata Ramaraju and there would be no question of petitioner doing any activity therein.

The audacity of the Member of Service can also be noted from the fact that he did not file any affidavit explaining reasons for not submitting the report to High Court in spite of a specific order issued by the High Court on

29.09.2015 to that effect, and by not appearing before the Court when specifically directed by the High Court to appear before the Court on 13.10.2015.

As a result the High Court, Andhra Pradesh, Hyderabad in common orders dated 15-12-2015 in W.P. No. 4864 of 2015 and W.P. No. 16297 of 2014 has observed that the Member of Service in collusion with Sri Indukuru Venkata Ramaraju allowed the structures such as sluice, water sump and motor shed erected by him and continued to remain even after the above G.O was issued notifying KWS.

Further, the said Sri Indukuru Venkata Ramaraju, Kaikaluru (V) has also filed W.P. No. 3164/2016 before the High Court, for the states of Telangana and Andhra Pradesh, Hydreabad on the same allegation. The High Court issued interim orders in W.P. M.P. No. 4025 of 2016 in W.P. No. 3164/2016, dt.16-3-2016 that prima facie, digging of the passage way preventing the access of Sri Indukuru Venkata Ramaraju, Kaikaluru (V) to his fish ponds appears to be major creation of authorities, on account of the various legal proceedings initiated and the allegation made against Sri P.S. Srinivasa Sastry, who earlier worked as a Divisional Forest Officer, WLM. Eluru Division.

Government vide its Memo No. 4380/Section-II/2017 EFS&T Dept, dt. 13.10.2017 has appointed Sri Anil Kumar Jha, IFS, the Addl. PCCF (WL) as Inquiry officer to conduct detailed enquiry. As per instructions of the Government, the Addl. PCCF (WL) has inspected the Kolleru Wildlife sanctuary on 14.11.2017 and enquired into the encroachment by Sri Nadimpalli Murthy Raju and submitted detailed report to the Prl. CCF, AP, Guntur in Rc. No. 16558/2004/WL-1, dt. 15-11-2017. During the visit of Addl. Prl. CCF (WL), it was noticed that a passage exist on the ground and on the side of which there is a narrow channel within the limits of Kolleru Wildlife sanctuary boundary as shown by the local staff. As it was not readily clear, whether the passage falls within Survey no. 39 or Sy.No. 42 as Mandal Surveyor was not available, it is established that the passage is within Kolleru Wildlife sanctuary. The DFO, WLM, Eluru has been requested to contact the Mandal Surveyor to ascertain the exact Sy. No. in which passage is located. The said passage was earlier demolished and then subsequently in WP MP No.4025 of 2016 in WP No.3164/2016, the High Court Judicature has ordered for restoration of passage pending disposal of WP No.3164 of 2016. The Survey number wise area statement given by Revenue authorities to Forest Department shows that only Ac. 0.46 cents in Sy. No. 42 is part of Kolleru Wildlife sanctuary. However, Sri Indukuru Venkata Ramaraju has alleged that as mentioned on “Mee Bhoomi: website an extent of Ac 1.22 cents in Sy. No. 42 was part of Kolleru Wildlife Sanctuary.

The Divisional Forest Officer, Wildlife Management Division, Eluru instructed to contact District Collector for reconciliation of area in Sy.No.42. Further, the Divisional Forest Officer, WLM, Eluru has reported in Rc.No.184/2016/WL-O, dt.22.12.2017 that the extent of Ac. 0.46 Cents in RS No.42 of Kaikaluru has been handed over to Kolleru Wildlife Sanctuary is in below +5’ Contour. The said extent of Ac.0.46 cents is existing in both RS No.42/1 & 42/2 of Kaikaluru. The land measuring 27 ½ cents is falling in RS NO.42/1 and 18 ½ cents is falling in RS No.42/2 of Kaikalur Range.

From the above, it is evident that Sri P.S. Srinivasa Sastry, IFS, R.M, APFDC, Nellore, formerly i/c. Divisional Forest Officer, WLM. Division, Eluru has neglected duty and by submitting false affidavits to the High Court Judicature tried to mislead the Court and colluded with Sri Indukuru Venkata Rama Raju, Kaikaluru (V) and allowed the structures such as Sluice, Water sump and motor shed erected by the said individual in the Ac. 0.09 cnts in R.S. No. 39 of which falls below +5 contour of Kolleru Wildlife Sanctuary and failed to report the activities of the individual to the higher officials and kept silent.

As per Section 34-A of Wildlife Protection Act, 1972, any officer not below the rank of an Assistant Conservator of Forests may:-

a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act,
b) remove any unauthorized structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an orders of an officer not below the rank of the Deputy Conservator of Forests.

Further, as per duties and responsibilities of Forest Officers under Section 151 of A.P. Forest Department Code, the Member of Service is supposed to take appropriate action to protect wildlife.

Accordingly, the Member of Service has violated the Section 34-A of Wildlife (Protection) Act, 1972 and general duties and responsibilities of Forest Officers under Section 151 of A.P. Forest Department Code and grossly failed to manage the Kolleru Wildlife sanctuary.

Thus, the Member of Service by his above mentioned acts has exhibited lack of integrity, discipline and devotion to duty and thereby contravened the Rules of All India Services (Conduct) Rules. Hence the Article of charge.

**DINESH KUMAR**
**CHIEF SECRETARY TO GOVERNMENT**

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER (SC)**

**ANNEXURE – III**

**List of documents by which the article of charge framed against Sri P.S.Srinivasa Sastry, I.F.S., (2002) formerly worked as Divisional Forest Officer (FAC), Wildlife Management Division, Eluru are proposed to be sustained.**

1) G.O.Ms.No.120, E.F.S.&T. (For.III) Dept., dated 04.10.1999.
2) DFO, Wildlife Management Divison, Eluru Rc.no.526/2015/WL-O, dt.26.9.2015 & 16.11.2015
3) Addl. Prl. CCF (WL), O/o. the Prl. CCF, AP, Guntur inspection report Rc. No. 16558/2004/ WL-1, dt. 15-11-2017.
4) DFO, Wildlife Management Division, Eluru Rc. No. 184/2016/WL-O, dt. 22-12-2017.

**DINESH KUMAR**
**CHIEF SECRETARY TO GOVERNMENT**

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER (SC)**

**ANNEXURE – IV**

**List of Witnesses by whom the articles of charge framed against Sri P.S.Srinivasa Sastry, I.F.S., formerly worked as Divisional Forest Officer (FAC), Wildlife Management Division, Eluru are proposed to be sustained**

1)Sri L. Dhana Raju, Forest Range officer, Kannapuram Range, Eluru Division, formerly i/c. WLM. Range, Kaikaluru.
2)Sri G. Ewara Rao, Deputy Range officer, formerly WLM. Section, Kaikaluru.
3)Sri V. Saibaba, Divisional Forest officer, WLM. Division, Eluru.

**DINESH KUMAR**
**CHIEF SECRETARY TO GOVERNMENT**

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER (SC)**